

1 H.528

2 Introduced by Representatives Partridge of Windham, Lawrence of Lyndon

3 and Obuchowski of Rockingham

4 Referred to Committee on

5 Date:

6 Subject: Crimes and criminal procedure; trees and plants; timber trespass

7 Statement of purpose: This bill proposes to provide criminal penalties for a
8 person who knowingly cuts, destroys, or removes forest products without the
9 consent of the owner of the forest products. In addition, the bill provides that a
10 person who cuts, destroys, or removes forest products without the consent of
11 the owner of the forest products is liable to the owner of the forest products for
12 treble damages or \$1,000.00, whichever is greater, for each tree, log, or sapling
13 that is cut, destroyed, or removed.

14 An act relating to the illegal cutting, removal, or destruction of forest
15 products

16 It is hereby enacted by the General Assembly of the State of Vermont:

1 Sec. 1. 13 V.S.A. § 3601 is added to read:

2 § 3601. CUTTING, REMOVING, OR DESTROYING FOREST PRODUCTS

3 (a) As used in this section, “forest products” means timber, trees, logs,
4 lumber, wood chips, or maple sap or sugar, whether merchantable or
5 nonmerchantable.

6 (b) A person who knowingly cuts, destroys, or removes forest products
7 without the consent of the owner of the forest products shall be:

8 (1) imprisoned not more than one year or fined not more than \$1,000.00
9 or both if the value of the forest products at issue is not more than \$1,000.00;
10 or

11 (2) imprisoned not more than five years or fined not more than
12 \$10,000.00 or both if the value of the forest products at issue is more than
13 \$1,000.00.

14 Sec. 2. 13 V.S.A. § 3606 is amended to read:

15 § 3606. ~~TREBLE DAMAGES FOR CONVERSION OF TREES OR~~

16 ~~DEFACING MARKS ON LOGS DAMAGES FOR CUTTING,~~

17 ~~DESTROYING, OR REMOVING FOREST PRODUCTS~~

18 ~~If a person cuts down, destroys or carries away any tree or trees placed or~~
19 ~~growing for any use or purpose whatsoever, or timber, wood, or underwood~~
20 ~~standing, lying or growing belonging to another person, without leave from the~~
21 ~~owner of such trees, timber, wood, or underwood, or cuts out, alters or defaces~~

1 ~~the mark of a log or other valuable timber, in a river or other place, the party~~
2 ~~injured may recover of such person treble damages in an action on this statute.~~
3 ~~However, if it appears on trial that the defendant acted through mistake, or had~~
4 ~~good reason to believe that the trees, timber, wood, or underwood belonged to~~
5 ~~him, or that he had a legal right to perform the acts complained of, the plaintiff~~
6 ~~shall recover single damages only, with costs~~

7 (a) A person who cuts, destroys, or removes forest products without the
8 consent of the owner of the forest products shall be liable to the owner of the
9 forest products for treble damages or the amount of \$1,000.00, whichever is
10 greater, for each tree, log, or sapling that is cut, destroyed, or removed.

11 (b) As used in this section, "forest products" means timber, trees, logs,
12 lumber, wood chips, or maple sap or sugar, whether merchantable or
13 nonmerchantable.